UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

TITO FLORES,

Plaintiff,

v. Civil Action No. 1:08cv675 LMB/TRJ

NATIONSTAR MORTGAGE LLC, et al.,

Defendants.

DECLARATION OF RON FOUNTAIN IN SUPPORT OF NATIONSTAR'S MOTION FOR PARTIAL SUMMARY JUDGMENT

I, Ron Fountain, declare as follows:

1. I am Vice President – Associate General Counsel for Defendant Nationstar Mortgage LLC ("Nationstar").

2. I submit this affidavit in support of Nationstar's Motion for Partial Summary Judgment against Plaintiff Tito Flores ("Plaintiff").

3. I have knowledge of the facts and circumstances set forth in this declaration based on my review of Nationstar's records.

4. Plaintiff's loan closed on November 17, 2006, and funded after the expiration of the rescission period on November 22, 2006.

5. Attached as Exhibit "A" to this declaration is a true and accurate copy of the final Truth in Lending Disclosure Statement from the files of Nationstar that was signed by Plaintiff and dated November 17, 2006.

DEFENDANT'S
EXHIBIT
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6. Attached as Exhibit "B" to this declaration is a true and accurate copy of the HUD-1 Settlement Statement from the files of Nationstar which was also provided to Plaintiff at closing.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 23rd day of October, 2008.

TRUT N-LENDING DISCLOSURE STAT ENT

(THIS IS NEITHER A CONTRACT NOR A COMMITMENT TO LEND)

For use with Adjustable Rate Mortgage Loans

☐ Preliminary [X] Final

LENDER OR LENDER'S AGENT:
Fremont Investment & Loan
2727 East Imperial Highway, Brea, CA 92821

DATE: 11/17/2006
LOAN NO.: [redacted]
Type of Loan: Conventional

BORROWERS: TITO FLORES

PROPERTY: [redacted] MANASSAS, VA 20109

Disclosures are estimates based on an anticipated funding date of 11/22/2006

ANNUAL PERCENTAGE RATE	FINANCE CHARGE	Amount Financed	Total of Payments
The cost of your credit as a yearly rate.	The dollar amount the credit will cost you.	The amount of credit provided to you or on your behalf.	The amount you will have paid after you have made all payments as scheduled.
11.423%	$ 1,066,724.39	$ 302,930.30	$ 1,369,654.69

PAYMENT SCHEDULE:

NUMBER OF PAYMENTS	AMOUNT OF PAYMENTS	PAYMENTS ARE DUE Monthly BEGINNING	NUMBER OF PAYMENTS	AMOUNT OF PAYMENTS	PAYMENTS ARE DUE Monthly BEGINNING
24	$2,290.98	1/1/2007			
335	$3,058.98	1/1/2009			
1	$289,912.87	12/1/2036			

DEMAND FEATURE: [X] This loan does not have a Demand Feature. ☐ This loan has a Demand Feature as follows:

VARIABLE RATE FEATURE:
[X] This Loan has a Variable Rate Feature. Variable Rate Disclosures have been provided to you earlier.

INSURANCE: The following is required to obtain credit:
[X] Property Insurance ☐ Flood Insurance
You may obtain the insurance from anyone you want that is acceptable to the creditor.

SECURITY: You are giving a security interest in:
☐ The property being purchased, including fixtures, leases, and rents derived from the property.
[X] The property you already own, including fixtures, leases and rents derived from the property.

ASSUMPTION: Someone buying your home
[X] may, subject to conditions, be allowed to assume the remainder of the mortgage on the original terms.
☐ cannot assume the remainder of the mortgage on the original terms.

LATE CHARGES: If your payment is more than 15 days late, you will be charged a late charge of 5.000 % of the overdue payment.

PREPAYMENT: If you pay off your loan early, you
[X] may ☐ will not have to pay a penalty.
☐ may [X] will not be entitled to a refund of part of the finance charge.

See your contract documents for any additional information regarding non-payment, default, required repayment in full before scheduled date, and prepayment refunds and penalties.
e means estimate

I/We hereby acknowledge reading and receiving a complete copy of this disclosure.

[signature] 11.17.06

TITO FLORES BORROWER/DATE BORROWER/DATE

BORROWER/DATE BORROWER/DATE

NATIONSTAR 00059

10/03

-788 (0310) VMP Mortgage Solutions (800)521-7291

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DEFENDANT'S EXHIBIT A

SETTLEMENT STATEMENT

Optional Form for
Transactions without Sellers

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
OMB Approval No. 2502-0265 (expires 9/30/2006)

File Number: [redacted]
Loan Number: [redacted]
Mtg. Ins. Case Number:

FINAL

NAME OF BORROWER: TITO FLORES
ADDRESS: [redacted] Manassas, VA 20109
NAME OF LENDER: Fremont Investment & Loan, ISAOA
ADDRESS: 555 Taxter Road, Elmsford, NY 10523
PROPERTY ADDRESS: [redacted], Manassas, VA 20109
[redacted]

SETTLEMENT AGENT: Presidential Title Company, LLC, Telephone: 703-748-0909 Fax: 703-748-6060
PLACE OF SETTLEMENT: 1960 Gallows Road, Suite 220, Vienna, VA 22182
Loan Number: [redacted] SETTLEMENT DATE: 11/17/2006 DISBURSEMENT DATE: 11/22/2006

L. Settlement Charges

800. Items Payable In Connection with Loan		
801. Loan Origination Fee 0.000% to		
802. Loan Discount 0.000% to		
803. Appraisal Fee to Real Estate Appraisers	P.O.C.350.00	
804. Credit Report to Home Funding Group, LLC		30.00
805. Underwriting Fee to Fremont Investment & Loan, ISAOA		1,018.00
806. Tax Service Fee to LandAmerica		48.00
807. Flood Certification Fee to LandAmerica		7.50
808. Broker Fee 3.7500% to Home Funding Group, LLC		11,953.13
809. Processing Fee to Home Funding Group, LLC		595.00
900. Items Required by Lender to be Paid in Advance		
901. Interest From 11/22/2006 to 12/01/2006 @$74.2300 per day		668.07
902. Mortgage Insurance Premium for to		
903. Hazard Insurance Premium for to	P.O.C.1,095.00	
904. 2nd Half Tax to Prince William County Treasury		1,425.57
1000. Reserves Deposited with Lender		1,186.25
1001. Hazard Insurance 13 mo. @ $ 91.25 per month		
1002. Mortgage Insurance mo. @ $ per month		
1003. City Property Taxes mo. @ $ per month		
1004. County Property Taxes 2 mo. @ $ 237.60 per month		475.20
1005. Annual Assessments mo. @ $ per month		
1006. mo. @ $ per month		
1007. mo. @ $ per month		
1008. mo. @ $ per month		
1009. Aggregate Analysis Adjustment to Fremont Investment & Loan, ISAOA		-566.45
1100. Title Charges		
1101. Settlement or closing fee to Presidential Title Company, LLC		195.00
1102. Abstract or title search to HBS Title Enterprises, Inc		60.00
1103. Title examination		
1104. Title Insurance Binder to Presidential Title Company, LLC		100.00
1105. Title Review Fee to Presidential Title Company, LLC		✓ 50.00
1106. Notary Fees		
1107. Attorney's fees (includes above items No.)		
1108. Title Insurance to Commonwealth Land Title Ins. Comp/PTC (includes above items No.)		815.60
1109. Lender's Policy $ 318,750.00 - 815.60		
1110. Owner's Policy $ -		
1111. Courier Fee to Federal Express		✓ 40.00
1112. Release Preparation Fee to Presidential Title Company, LLC		✓ 50.00
1113. Incoming Wire Fee to Bank of America		✓ 15.00
1200. Government Recording and Transfer Charges		
1201. Recording Fees : Mortgage $46.00		46.00
1202. County Transfer Tax : Mortgage $265.67		265.67
1203. State Tax : Mortgage $797.00		797.00
1204. Grantors Tax		
1300. Additional Settlement Charges		
1301. Survey		
1302. Pest Inspection		
1400. Total Settlement Charges (enter on line 1602)		19,274.54

M. Disbursement to Others

1501.	
1502. Payoff [redacted] to Washington Mutual	264,303.44
1503.	
1504.	
1505.	
1506.	
1507.	
1508.	
1509.	
1510.	
1511.	
1512.	
1513.	
1514.	
1515.	
1516.	
1517.	
1518.	
1519.	
1520. TOTAL DISBURSED (enter on line 1603)	264,303.44

N. NET SETTLEMENT

1600. Loan Amount	318,750.00
1601. PLUS Cash/Check from Borrower	0.00
1602. MINUS Total Settlement Charges (line 1400)	19,274.54
1603. MINUS Total Disbursements to Others (line 1520)	264,303.44
1604. EQUALS Disbursements to borrower (after expiration of any applicable rescission period required by law)	35,172.02

11/22/06

I have carefully reviewed the HUD-1A Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1A Settlement Statement.

TITO FLORES

The HUD-1A Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

SETTLEMENT AGENT By: DATE 11.17.06

DEFENDANT'S EXHIBIT B

NATIONSTAR 00057